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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,977	01/15/2002	Andreas Engelsberg	10191/1870	6684
26646	7590	09/27/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			DIEP, NHON THANH	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/914,977	Applicant(s) ENGELSBURG, ANDREAS	
	Examiner Nhon T Diep	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on preliminary amendment filed 1/15/2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 13-15, 17-26 and 29-34 is/are allowed.
- 6) ☒ Claim(s) 16, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/15/2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/5/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kondo (US 5,926,212).

Kondo discloses ?an image signal processing apparatus and recording/reproducing apparatus comprising the same method for determining an image shift in an image sequence of a plurality of images to compensate for a camera movement, at least one image zone of the plurality of images being available to determine the image shift, the at least one image zone being at a predefined position in the images and having predefined dimensions of predefined numbers of pixels in different image directions (col. 1, ln. 59-67), the method comprising: determining the image shift from one of (i) first image data of a first image and second image data of a second image, and (ii) the first image data of the first image and input image data of an input image by using a zone shift of the at least one image zone as the image shift (col. 2, ln. 46-51; col. 8, ln. 6-21) and determining the zone shift using block shift information from block-based coding used for the at least one image zone (col. 3, ln. 48-59), wherein: image blocks located in at least one image zone are reflected in the block shift information of the at least one image zone (col. 8, ln. 30-51) and the at least one image

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zone is used to determine the image shift as a function of a reliability of a zone shift determination (Kondo does disclose the using of motion vector a unit for detecting the motion vector of each block; a unit for detecting a camera shake motion vector from the motion vector of each block: the camera shake motion vector is detected from the motion vector of each block and that the at least one image zone (block) is used to determined the image shift (shake motion) as a function of reliability of the changing blocks as a result of camera shake) as specified in claim 16; wherein one of the following is satisfied: the second image data of the second image directly precedes the first image in the image sequence; and the input image data of the input image directly precedes the first image in the image sequence (col. 13, ln. 8-18) as specified in claim 27; wherein the block shift information includes image shift vectors (camera shake motion vector) as specified in claim 28.

Allowable Subject Matter

1. Claims 13-15, 18-26 and 29-34 are allowed.
2. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- a. Watanabe et al (US 5,978,020) discloses an image pickup system adaptable to computer processing power and/or display
- b. Hirose et al (US 5,838,371) discloses an image pickup apparatus with interpolation and edge enhancement with zoom magnification.
- c. Kondo (US 5,835,138) discloses an image signal processing apparatus and recording/reproducing apparatus.
- d. Sekine et al (US 5,614,945) discloses image processing system modifying image shake correction based on superimposed images
- e. Taniguchi et al (US 5,515,133) discloses a flash apparatus.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ND
20 Sept 2004



NHON DIEP
PRIMARY EXAMINER